

**STATEMENT OF THE HONORABLE PETER A. DEFazio**  
**CHAIRMAN**  
**SUBCOMMITTEE ON HIGHWAYS AND TRANSIT**  
**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**HEARING ON**  
**FTA'S PROPOSED RULE ON THE NEW STARTS AND SMALL STARTS PROGRAMS**

September 26, 2007

On May 10<sup>th</sup> of this year, this subcommittee held a hearing on the New Starts and Small Starts programs. At that time, the Federal Transit Administration had not yet issued a proposed rule for these programs, and this allowed us to have a rather frank discussion of what SAFETEA-LU required of FTA, and what this subcommittee expected of FTA in that regard.

Since then, FTA issued its NPRM on the New and Small Starts programs, and in my estimation, it addresses neither the concerns that committee members and transit stakeholders raised at that hearing, nor does it fully implement the program as written by Congress in SAFETEA-LU.

I understand that FTA is in its initial stages of receiving comments and attending listening sessions around the country. What concerns me, however, is that no amount of listening will actually inspire this Administration to make enough changes to the NPRM so that a final rule would be acceptable to both this committee and, most importantly, to the transit industry who will be governed by this rule for years to come.

I will get to the details of my particular concerns with the NPRM after we have heard from the FTA Administrator, but in general, I consider this a failed attempt at a rulemaking. When FTA – two full years after the enactment of SAFETEA-LU – still cannot figure out how to include all of the statutory provisions in their implementation of the programs, while at the same time, can come up with numerous ways to insert provisions into the programs that were not authorized by Congress and are not included in the law, then how can I look at this proposed rule as anything but a failure?

In creating both the New Starts and Small Starts programs, Congress crafted specific sets of criteria for FTA to consider in each application for a New Starts or Small Starts grant, in part because these programs are the Federal government's primary mechanisms for supporting transit capital investments, and we owe it to our local communities to get it right at the federal level.

This NPRM did not get it right, and I look forward to discussing the proposed rule with our witnesses today.